

JOSEPH R. RUSSONIELLO (CASBN 44332)
United States Attorney

BRIAN J. STRETCH (CASBN 163973)
Chief, Criminal Division

THOMAS M. O'CONNELL (NYSBN 1801950)
Assistant United States Attorney

150 Almaden Boulevard, Suite 900
San Jose, California 95113
Telephone: (408)-535-5053
Fax: (408)-535-5066
E-Mail: Thomas.M.OConnell@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-00525- JW
)	No. CR 07-00526- JW
Plaintiff,)	
)	GOVERNMENT'S SENTENCING
v.)	MEMORANDUM
)	
SAUL MAXIAS NIETO,)	
)	
Defendant.)	
_____)	

Defendant Saul Maxias Nieto comes before the court for sentencing pursuant to a plea agreement under Rule 11(c)(1)(A) and 11(c)(1)(B) of the Federal Rules of Criminal Procedure, having pled guilty to Count One of the of the indictment in case number CR-07- 000525-JW charging him with conspiracy to distribute 5 grams or more of methamphetamine, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B)(viii).

Defendant further admitted that he committed the offense to which he pled guilty after having suffered a conviction for a felony drug offense, as alleged in an Information filed by the government pursuant to 21 U.S.C. §851. He therefore faces a 10 year mandatory minimum

Sentencing Memorandum (Nieto)

1 pursuant to 21 U.S.C. §§ 841(b)(1)(B)(viii) and 851.

2 The government agreed to recommend the Guideline calculations set out in the plea
3 agreement, which stipulated that the defendant's adjusted offense level is 25. Probation agreed
4 with that calculation. The parties made no agreement as to Criminal History Category.
5 Probation has determined the defendant's Criminal History Category to be VI. His U.S.S.G.
6 range is therefore 120-137 months. The Government submits that a sentence within this range is
7 a reasonable one.

8 The Government will move to dismiss Count Two of the indictment in case number CR-
9 07- 000525-JW, as well as the indictment in case number CR-07-00526-JW.

10 The government also agreed and does, recommend that the sentence imposed in this
11 case be ordered to run concurrently to the unexpired term the defendant is currently serving
12 following his conviction in San Benito County Court, Docket Number CR-07-00726.

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14 JOSEPH R. RUSSONIELLO
15 United States Attorney

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17 Dated: 02/29/08

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18 THOMAS M. O'CONNELL
19 Assistant United States Attorney
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